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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-204920

DATE: October 13, 1981

MATTER OF: Brener Building Maintenance Company, Inc.

**DIGEST:**

Protest alleging bidder is not responsible because it allegedly is being considered for debarment by another agency will not be considered on the merits because GAO does not review protests involving affirmative determinations of responsibility, except where fraud is alleged or where definitive responsibility criteria allegedly have not been applied.

Brener Building Maintenance Company, Inc. has protested the award of a contract to Elsworth Street & Associates under solicitation No. S2825001 issued by the Department of Labor's Mine Safety & Health Administration. The basis of Brener's protest is its allegation that the General Services Administration is considering debarment of Elsworth Street & Associates and one of its affiliates due to a termination for default on an unrelated contract. From this allegation, Brener argues that Elsworth Street & Associates is not a "responsible" bidder, and therefore should not be awarded the contract under this solicitation.

This Office does not review protests involving affirmative determinations of responsibility unless fraud is alleged on the part of the procuring officials or the solicitation contained definitive responsibility criteria which allegedly have not been applied. Proficiency Associates, Inc., B-198844.3, January 19, 1981, 81-1 CPD 29.

Since no such questions are presented here, we decline to consider the merits of this protest.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel

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